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R 101653Z APR 08  
FM AMEMBASSY BAMAKO  
TO RUEHC/SECSTATE WASHDC 8991  
INFO RUEHZK/ECOWAS COLLECTIVE  
RHMFISS/HQ USAFRICOM STUTTGART GE  
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C O N F I D E N T I A L SECTION 01 OF 02 BAMAKO 000353

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E.O. 12958: DECL: 03/11/2018  
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SUBJECT: MALI BEGINS SIX MONTH CONSTITUTIONAL REVIEW

REF: A. 07 BAMAKO 01059  
[1](#)B. 07 BAMAKO 00221

Classified By: Political Officer Aaron Sampson, Embassy Bamako, for reasons 1.4 (b) and (d)

1.(U) On March 7 a sixteen-member Review Committee for the Consolidation of Democracy appointed by President Amadou Toumani Toure began its six month review of Malian democracy.

President Toure announced his intention to review of all of Mali's democratic texts, including the constitution and electoral law, in September 2007 (Ref A). The Malian government has described the review as an attempt to reflect on 15 years of democratic experience in Mali and consolidate Mali's democratic practices. The president of the Commission, Daba Diawara, served as Minister of Civil Service and Labor for then Col. Amadou Toumani Toure during Mali's 1991-1992 democratic transition. He has also been Minister of Health and Secretary General of the Presidency under former President Alpha Oumar Konare.

2.(U) On April 2 Diawara told the Embassy the Committee was reviewing Mali's constitution, electoral law, equal access rules for public and private media, political party charter, campaign finance provisions and President Toure's proposal to invest Mali's political opposition with formalized legal status.

3.(U) Low participation rates during the 2007 presidential and legislative elections are one reason for the Commission's creation. Participation for the April 2007 presidential election hovered around 35 percent. Participation for the June-July legislative elections was around 30 percent nationally and much lower in Bamako. Other motivating factors were problems with the formulation of electoral lists, the distribution of electoral cards, the management of polling sites and the need to revise electoral dispute resolution mechanisms.

4.(U) Diawara said the Committee was continuing a process that was first initiated by Alpha Oumar Konare in 2001. Local newspapers and others have already speculated that one of the Commission's unstated goals is a constitutional change that would enable President Toure to stand for a third term in 2012. Article 30 of the Malian constitution currently limits Presidents to two terms. There is some debate, however, over whether Article 30 precludes only a sitting President from running for a third term or if it bars any individual who has previously served two terms, like Konare, from running again after sitting out an election cycle.

5.(U) Diawara said the Committee was reviewing more than 60 of the constitution's 122 articles including the one regarding presidential term limitations. He said elected officials, political party leaders, former Prime Ministers and others who have already met with the Committee have made a variety of recommendations on amending Article 30, ranging

from enabling President Toure to run again, clarifying it to eliminate any ambiguity over the two term limit, and leaving the Article as it is. Diawara said he would not be able to reveal the Commission's recommendations until it has been submitted for review to President Toure in August. Any changes to the constitution would have to be ratified by the National Assembly and then approved by a national referendum.

6.(U) On April 5 Oumarou ag Mohamed Ibrahim Haidara, the president of the High Council of Collectivities (HCC), called on the Committee to formalize the 75 member HCC's status as Mali's second house of parliament with a role similar to the French Senate. Several advisors from the French Senate have been working with Oumarou and the HCC on plans to invest the HCC with more power. Oumarou's speech, which was delivered in front of the diplomatic corps and Prime Minister Modibo Sidibe, indicated that the creation of a bicameral legislative system is one of constitutional changes the Review Committee will likely recommend.

7.(C) Kader Bah, a member of President Toure's inner circle, told EmbOff on March 4 that the Embassy should be expecting the Malian government to propose changing the constitution so that President Toure can run for a third term when the Committee completes its work in August. He said the Malian government was already planning for the mobilization of religious leaders, students and others in support of a "spontaneous" draft President Toure for a third term movement.

8.(C) Comment: Mali's Review Committee for the Consolidation of Democracy is currently an internal affair. Diawara said the Committee was planning on organizing a conference for international experts that would focus revisions to Mali's electoral law, but not Mali's

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constitution, in May. While some members of President Toure's inner circle are clearly pushing President Toure to run for a third term, we will likely not know whether these arguments have swayed the President until Diawara and the Committee submit their recommendations in August. Bah's comments should not be viewed as definitive; the vast majority of Malians are convinced that the two term limit is inviolable, and a third term for the President may be more important to Bah than it is to ATT. President Toure has also remarked on many occasions over the past year that he regards Mali's Millennium Challenge Compact--which runs concurrently with his term of office--as his legacy to Mali once he leaves office. One interesting wrinkle, of which President Toure, Diawara and others are fully aware, is that rewriting Article 30 to allow President Toure to run for a third term would likely also open the door for former President Alpha Oumar Konare to challenge Toure for the presidency in 2012.  
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